



06/22/2020

**GENERAL CONTRACTOR  
PRE-QUALIFICATION QUESTIONNAIRE**

**FOR THE  
SAN BRUNO RECREATION AND AQUATIC CENTER**

Located at:

251 City Park Way  
San Bruno, CA  
94066

**Deadline for Submissions: 2:00 p.m., Wednesday, July 29, 2020**



**CITY OF SAN BRUNO  
SAN BRUNO RECREATION AND AQUATIC CENTER  
PRE-QUALIFICATION OF GENERAL CONTRACTORS**

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***The City of San Bruno seeks to pre-qualify General Contractors for the construction of San Bruno Recreation and Aquatic Center ("Project"), and hereby invites sealed pre-qualification submittals from licensed Contractors.***

Notice is hereby given that the City of San Bruno has determined that General Contractor bidders on this Project must be pre-qualified prior to submitting a bid. The pre-qualification evaluation is solely for the purpose of determining which General Building Contractors are deemed qualified to successfully construct the Project.

Only Contractors in possession of a valid Class A or B Contractors license are allowed to bid on the Project.

It is **mandatory** that all Contractors who intend to submit a bid, fully complete the pre-qualification questionnaire, provide all requested materials, and be approved by the City of San Bruno to be on the final qualified bidders list.

**FILING OF SUBMITTALS: On or before 2:00 pm, July 29, 2020.**

All submittals must be filed in a sealed package labeled:

"San Bruno Recreation and Aquatic Center Contractor Prequalification"

**To: City Clerk  
City of San Bruno  
567 El Camino Real  
San Bruno, Ca.  
94066**

Pre-Qualification submittal packages may be obtained at:

[www.sanbruno.ca.gov/gov/city\\_departments/city\\_clerk/contract\\_bidding\\_n\\_rfps.htm](http://www.sanbruno.ca.gov/gov/city_departments/city_clerk/contract_bidding_n_rfps.htm)

Or by contacting:

Lance Solomon, Construction Manager  
Griffin Structures  
[lsolomon@griffinstructures.com](mailto:lsolomon@griffinstructures.com)  
Telephone: 949-274-0827

It is the sole responsibility of the Contractor to ensure that the Pre-Qualification Submittal is received by the city before the stated deadline.

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**PROJECT TEAM**

**OWNER**

CITY OF SAN BRUNO  
567 El Camino Real  
San Bruno, CA 94066  
Darcy Smith: (650) 616-7039  
[dsmith@sanbruno.ca.org](mailto:dsmith@sanbruno.ca.org)

**CONSTRUCTION MANAGER**

GRIFFIN STRUCTURES  
2 Technology Dr.  
Irvine, CA 92618  
Lance Solomon (949) 274-0827  
[lsolomon@griffinstructures.com](mailto:lsolomon@griffinstructures.com)

**ARCHITECT OF RECORD**

GROUP 4 ARCHITECTURE  
211 Linden Ave  
South San Francisco, CA 94080  
Dawn Merkes (650) 871-0709  
[DMerkes@g4arch.com](mailto:DMerkes@g4arch.com)

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**PROJECT DESCRIPTION**

The San Bruno Recreation Center and Pool, located in City Park, is a beloved and well-used community asset, serving residents for over 70 years with a diverse range of enrichment and recreational programs for all ages. Unfortunately, the current facility is well beyond capacity, greatly limiting the Parks and Recreation Department from adequately serving the needs and demands of the community. The severe lack of space, combined with ADA inaccessibility, limited parking, and aged building systems, have led the City to plan for a new Community Services Facility, to include: recreation, aquatic and wellness/fitness center that meets both the community's needs today and has the flexibility to evolve for the ever-changing needs of tomorrow.

The scope of work includes, but not limited to: demolition of the existing two-story recreation center that includes: a gymnasium, office space, and multiple classrooms, a kitchen and an adjacent pool. The construction of the new two story recreation building includes an indoor pool equipped with showers, restrooms and lockers, a community room, and regulation basketball court with two side courts, with an indoor above court walking track, a full and functioning fitness room, catering kitchen, and several classroom spaces, and a bid alternate for a seasonal exterior pool, adjacent surface parking, realignment of City Park Way and an adjacent channelized creek, as well as associated sitework including grading, installation of sewer and water infrastructure improvements, pedestrian and vehicular hardscape, softscape and trash/generator enclosure structure.

The new two-story 48,000 sf recreation, fitness and aquatic center building is designed in a manner that celebrates its beautiful and natural setting and serves as a hub for community services and recreation opportunities.

The engineer's estimate for this project is \$45,000,000.

For additional information regarding this project, please see **Attachment A "Project Renderings"**.

**PROJECT SCHEDULE**

The current tentative **Project Schedule** is as follows:

Pre-Qualification of Contractors:	.....June 2020 – August 2020
Project Bidding:	.....October 2020 – November 2020
Award Project:	.....December 2020
Start Construction:	.....January 2021

**PRE-QUALIFICATION SCHEDULE**

Advertisement Inviting Pre-Qualification Submittals:	.....Wednesday, 06/22/2020
Final Date for Submission of Bidder Questions:	.....Wednesday, 07/10/2020

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Submissions Due:.....2:00 pm, Wednesday, 07/29/2020  
Selection Notification.....on or about 08/26/2020

**GENERAL**

The City is seeking qualified Class “A” or “B” General Contractors with construction experience of at least four (4) projects demonstrating comparable experience. Please see Part III Similar Project Experience (page 23) for a definition of “comparable experience.”

Each prospective Contractor must successfully complete the pre-qualification questionnaire, provide all requested materials in the required form, and be approved by the City of San Bruno to be on the final qualified bidders list. The City of San Bruno will not accept submission of incomplete or late documentation. Incomplete documentation will result in the rejection of the prospective Contractor.

Answers to all questions contained in the attached questionnaire, information about current bonding capacity, notarized statement from surety, and the most recent reviewed or audited financial statements, with accompanying notes and supplemental information, are required.

The City of San Bruno reserves the right to unilaterally adjust, increase, limit, suspend, or rescind the pre-qualification rating based on subsequently learned information. Contractors whose rating changes significantly after pre-qualification that disqualifies them will be notified and given an opportunity for a hearing consistent with the hearing procedures described below to appeal a pre-qualification rating.

The City will not be liable for any cost incurred by the Contractors for the preparation of the submittal package.

**PRE-QUALIFICATION GUIDELINES**

Each prospective Contractor must successfully complete the pre-qualification process outlined in this document. No other pre-qualification process completed for the City of San Bruno or any other agency will meet these requirements.

Prospective Contractors must submit “Statements of Qualifications” (SOQ) by completing the Pre-Qualification Submittal Questionnaire package. The City will not accept information or documents from other parties. Submission of incomplete and/or unclear Pre-Qualification Submittal Questionnaire or other required materials will result in rejection of the prospective contractor.

Any questions or requests for information must be submitted in writing to:

**Lance Solomon**  
Construction Manager  
Griffin Structures, Inc.  
Email: [lsolomon@griffinstructures.com](mailto:lsolomon@griffinstructures.com)

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**PREPARATION OF PRE-QUALIFICATION SUBMITTALS**

The submittal information should be presented in a binder and separated by section dividers. Oversize drawings (larger than 11"x17"), if provided, should be folded and inserted into plastic carriers. **Three (3) hard copies and one (1) electronic copy in \*.PDF format of the Pre-Qualification Submittal shall be delivered to the City of San Bruno. The completed Pre-Qualification Submittal should not exceed 50 pages. **Supporting attachments such as Financial Statements and Bond Documents are excluded from the 50-page limit.**** The City of San Bruno reserves the right to waive minor irregularities and omissions in the information contained in the pre-qualification application submitted.

**EVALUATION AND ANALYSIS**

Pre-qualification of prospective contractors will be determined from the information submitted in each Pre-Qualification Questionnaire Submittal. The City of San Bruno reserves the right to verify from other available sources the information provided by the Contractor and to rely upon such information gathered during the verification process. The City of San Bruno's decision will be based on objective evaluation criteria. Further consideration of a prospective contractor's qualifications will be made only if the prospective contractor meets all of the following minimum requirements:

1. Submission of a properly completed and signed Declaration
2. Possession of the valid California Contractors "A" or "B" License in good standing
3. Meet bonding capacity requirements
4. Meet insurance requirements
5. Demonstration of General Contractor's Similar Project Experience
6. Contractor's Project Manager/Field Superintendent Comparable Experience
7. No completion of work by surety in the last 10 years
8. Satisfactory History with the Department of Industrial Relations
9. Meet financial requirements

In addition to the minimum requirements listed above, the City will allocate 5 additional points to the scoresheet below for applicants who are signatory to a trade union or whose place of Business is within the limits of the City of San Bruno.

Note: this project is subject to Prevailing Wage requirements per DIR requirements. Any contract that is subsequently bid and awarded must include prevailing wage labor.

The Pre-Qualification Questionnaire Submittal Analysis Form that will be used to verify minimum qualifications is included. The City of San Bruno will screen each responding prospective Contractor's statement for minimum qualifications and develop a list of Pre-Qualified Contractors.

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City of San Bruno reserves the right to reject any or all responses to pre-qualification questionnaires and to waive any irregularities in any response to the pre-qualification application.

While it is the intent of the pre-qualification questionnaire and required documents to assist the City in determining bidder responsibility prior to bid and to aid the City in selecting the lowest responsible bidder, neither the fact of pre-qualification, nor any pre-qualification rating, will preclude the City of San Bruno from a post-bid consideration and determination of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work on the Recreation and Aquatic Center Project.

All financial and proprietary information provided by prospective contractors will be kept confidential to the extent permitted by law. However, by submitting the pre-qualification packet, the Contractor agrees that the contents of the submittal may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, or in any appeal hearing. Also, the names of prospective contractors applying for pre-qualification status will be subject to disclosure.

**APPEALS PROCEDURE**

Any contractor who the City determines to not pass the pre-qualification process shall have the right to request review of the determination. The contractor shall request review by delivering to the Public Works Director a written notice requesting a review. The contractor shall deliver such written notice to the Director within five (5) business days of being notified that the Contractor has been determined not to be qualified and the basis for the determination. The Contractor waives its right to challenge the City's decision if it fails to deliver the notice within the five (5) business days.

The Director or their designee shall conduct an appeals hearing no later than ten (10) business days following receipt of the contractor's written notice. The hearing conducted by the Director shall be informal but will be an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and present reasons in opposition to the determination. The Director shall consider all evidence, information and arguments submitted by the contractor relevant to the City's determination, the City's response to such evidence, information and arguments, and any other information the Director deems relevant. Promptly following the hearing, the Director shall issue a written decision whether regarding the matter.

Following the hearing, the contractor may further have the opportunity to appeal to the City Manager of the City of San Bruno a decision by the Director regarding the Contractor's qualification. The Contractor must request a hearing before the City Manager by delivering to the City Clerk, with a copy to the Director, a written notice of appeal. The contractor must deliver the written notice of appeal within five (5) business days of the date of the Director's notice that the contractor is not qualified. The contractor

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waives its right to challenge the Director's decision if it fails to deliver the notice within the five (5) business days.

The City Manager shall hold a de novo hearing within ten (10) days of receipt of Contractor's written notice of appeal. The City Manager shall uphold or reverse the Director's decision based on the entire record, including the information and evidence presented to the Director and any additional information and evidence received by the City Manager at the hearing.

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**STATEMENT OF UNDERSTANDING**

The undersigned certifies that the statements and information contained in this submittal are complete and accurate and that the submittal contains no false or deliberately misleading information. The undersigned hereby agrees and declares that receipt of this submittal by the City of San Bruno does not constitute either a direct or implied guarantee to the Contractor that pre-qualification is or will be granted and also agrees to the procedures and conditions of the pre-qualification requirements described in the Pre-Qualification Document.

- (1) Legal Name of Applicant (Contractor) \_\_\_\_\_  
\_\_\_\_\_
- (2) Address of Applicant (Contractor) \_\_\_\_\_  
\_\_\_\_\_
- (3) Phone Number \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_
- (4) Applicant is a ( ) Corporation ( ) Partnership ( ) Sole Proprietorship ( ) Joint Venture
- (5) If Contractor is a Corporation, name the State of Incorporation \_\_\_\_\_
- (6) Total number of years the Contractor has been contracting \_\_\_\_\_
- (7) Total number of years the Contractor has been in construction \_\_\_\_\_  
\_\_\_\_\_
- (8) Banking institution authorized to provide corroboration of applicant's financial stability:
- Name: \_\_\_\_\_
- Address: \_\_\_\_\_
- Contact: \_\_\_\_\_ Telephone \_\_\_\_\_

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(9) Is the Contractor signatory to any union (Yes or No). If yes please provide affiliate information: \_\_\_\_\_

(10) Execution: \_\_\_\_\_

The undersigned is a legally authorized representative of the Contractor. The legal name of the Contractor is \_\_\_\_\_

State of California

Contractor's License Number: \_\_\_\_\_ Type: \_\_\_\_\_

Expiration: \_\_\_\_\_

\_\_\_\_\_, being first duly sworn, says that all statements and information contained in this Submittal are complete and accurate and that this Submittal contains no false or deliberately misleading information.

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

Expiration Date: \_\_\_\_\_

**END OF FORM**

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**PART I: ESSENTIAL REQUIREMENTS FOR QUALIFICATION**

**IMPORTANT NOTE:**

**Contractor may be immediately disqualified if the answer to any of questions 1 through 7 is “no.”**

**Contractor will be immediately disqualified if the answer to any of questions 8 through 12 is “yes.” If the answer to question 10 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.**

1. Contractor possesses a valid and current California Class “A” or “B” General Contractor’s License in good standing for this project for which it intends to submit a bid.  
☐ Yes      ☐ No
2. Contractor has (or can provide proof that they can obtain within ten (10) business days prior to award) an insurance policy(ies) consistent with Attachment B “City of San Bruno Insurance Requirements”.  
☐ Yes      ☐ No
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.  
☐ Yes      ☐ No
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?  
☐ Yes      ☐ No

***NOTE: A financial statement that is not either reviewed or audited by a Certified Public Accountant (CPA) is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.***

5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance and authorized to issue bonds in the State of California), which states that your current bonding capacity is at least \$50,000,000 for a single project, and \$100,000,000 aggregate, should you be selected?<sup>1</sup>  
☐ Yes      ☐ No

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<sup>1</sup> An additional notarized statement from the surety may be requested by the City of San Bruno at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

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**NOTE: Notarized statement must be from Surety Company, not an agent or broker.**

6. Contractor has completed at least five (4) comparable projects in the last ten (7) years? See Part III: Similar Project Experience Questionnaire for criteria.

☐ Yes      ☐ No

7. Contractor has (or can provide proof that they can obtain within ten (10) business days prior to award) insurance policy with a policy limits consistent with the sample contract insurance requirements in Attachment B.

☐ Yes      ☐ No

8. Has your contractor's license been revoked at any time in the last ten (10) years?

☐ Yes      ☐ No

If yes, please explain why: \_\_\_\_\_

9. Has a surety firm completed, or is in the process of completing, a contract on your behalf, or has paid for completion because your firm was default terminated by the project owner within the last ten (10) years?

☐ Yes      ☐ No

10. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded any local, state or federal public works contracts, or perform as a subcontractor on any such public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7 or any other local, state or federal law or regulation?

☐ Yes      ☐ No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

Starting \_\_\_\_\_ Ending \_\_\_\_\_

11. At any time during the last ten (10) years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?

☐ Yes      ☐ No

12. In the last ten (10) years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes      ☐ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

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**PART II: QUESTIONNAIRE**

**Section A. Current Organization and Structure of the Business**

**For Firms That Are Corporations:**

- 1a. Date incorporated: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten percent (10%) of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

***NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.***

Person's Name	Construction Firm	Dates of Person's Participation with Firm

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**For Firms That Are Partnerships:**

- 1a. Date of formation: \_\_\_\_\_
- 1b. Under the laws of what state: \_\_\_\_\_
- 1c. Provide all the following information for each partner who owns ten percent (10%) or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

**NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.**

Person's Name	Construction Company	Dates of Person's Participation with Company

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**For Firms That Are Sole Proprietorships:**

- 1a. Date of commencement of business: \_\_\_\_\_
- 1b. Social security number of company owner: \_\_\_\_\_
- 1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five (5) years.

***NOTE: For this question, "owner" and "partner" refer to ownership of ten percent (10%) or more of the business, or ten percent (10%) or more of its stock, if the business is a corporation.***

Person's Name	Construction Company	Dates of Person's Participation with Company

**For Firms That Intend to Make a Bid as Part of a Joint Venture:**

- 1a. Date of commencement of joint venture: \_\_\_\_\_
- 1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one (1) or more projects:

Name of firm	% Ownership of Joint Venture

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**Section B. History of the Business and Performance**

1. Has there been any change in ownership of the firm at any time during the last ten (10) years?

**NOTE: A corporation whose shares are publicly traded is not required to answer this question.**

☐ Yes      ☐ No

If "yes," explain on a separate signed page.

2. Is the firm a subsidiary, parent, holding company, or affiliate of another construction firm?

**NOTE: Include descriptive and background information about other firms if one firm owns fifty percent (50%) or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.**

☐ Yes      ☐ No

If "yes," explain on a separate signed page.

3. Are any corporate officers, partners or owners connected to any other construction firms?

**NOTE: Include descriptive and background information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.**

☐ Yes      ☐ No

If "yes," explain on a separate signed page.

4. State your firm's gross revenue for each of the last three (3) years:

2017

2018

2019

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. How many years has your organization been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ Years

6. Was your firm in bankruptcy at any time during the last ten (10) years?

☐ Yes      ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which, the petition was filed, and a copy of the Bankruptcy Court's discharge order, or any other document that ended the case, if no discharge order was issued.

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***Licenses***

7. List all California construction license numbers, classifications and expiration dates of the California Contractor Licenses held by your firm:


8. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the California Contractors State License Board (CSLB) records who meet(s) the experience and examination requirements for each license.


9. Has your firm changed names or license number in the past ten (10) years?

☐ Yes      ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

10. Has any owner, partner, or (for corporations) officer of your firm operated a construction firm under any other name in the last ten (10) years?

☐ Yes      ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

11. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last ten (10) years?

☐ Yes      ☐ No

If "yes," please explain on a separate signed sheet.

***Disputes***

12. At any time in the last ten (10) years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes      ☐ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

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13. In the last ten (10) years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

**NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

☐ Yes      ☐ No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

\* \* \* \* \*

**NOTE: The following two (2) questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about "pass-through" disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.**

14. In the past ten (10) years has any claim against your firm concerning your firm's work on a construction project been **filed in court or arbitration?**

☐ Yes      ☐ No

If "yes," on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

15. In the past ten (10) years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration?**

☐ Yes      ☐ No

If "yes," on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

\* \* \* \* \*

16. At any time during the past ten (10) years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made

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against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

☐ Yes      ☐ No

If "yes," explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

17. In the last ten (10) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes      ☐ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

***Criminal Matters and Related Civil Suits***

18. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes      ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

19. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes      ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

20. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes      ☐ No

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

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***Bonding***

21. Bonding capacity: \_\_\_\_\_

Provide documentation from your surety identifying the following:

Name of bonding company/surety: \_\_\_\_\_  
\_\_\_\_\_

Name of surety agent, address and telephone number:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22. If your firm was required to pay a premium of more than one percent (1%) for a performance and payment bond on any project(s) on which your firm worked at any time during the last five (5) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one percent (1%), if you wish to do so.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

23. List all other sureties (name and full address) that have written bonds for your firm during the last five (5) years, including the dates during which each wrote the bonds:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

24. During the last ten (10) years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes      ☐ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

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**Section C. Compliance with Regulatory Requirements**

25. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.**

☐ Yes      ☐ No

If “yes,” attach a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.

26. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

☐ Yes      ☐ No

If “yes,” attach a separate signed page describing each citation.

27. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

☐ Yes      ☐ No

If “yes,” attach a separate signed page describing each citation.

28. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?
- \_\_\_\_\_

29. List your firm’s Experience Modification Rate (EMR) (California workers’ compensation insurance) for each of the past three premium years:

**NOTE: An Experience Modification Rate is issued to your firm annually by your workers’ compensation insurance carrier.**

Current year: \_\_\_\_\_

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Previous year: \_\_\_\_\_

Year prior to previous year: \_\_\_\_\_

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

30. Within the last ten (10) years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ Yes      ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

***Prevailing Wage Compliance Record***

31. Has there been any occasion during the last ten (10) years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **State's** prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

☐ Yes      ☐ No

If "yes", attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

32. During the last ten (10) years, has there been any occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal** Davis-Bacon prevailing wage requirements?

☐ Yes      ☐ No

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

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**PART III    SIMILAR PROJECT EXPERIENCE QUESTIONNAIRE**

Part III is a verification of the answer provided in Part I Essential Requirements, Question 6. Respondents whose experience is not verifiable according to the following criteria shall be disqualified as failing to meet the Essential Requirements.

Contractor shall provide information about its four (4) most recent comparable projects, all of which must have been successfully completed within the last **twelve (12)** years. All 4 projects must meet the minimum criteria:

1. Minimum project value of \$20,000,000
2. Projects must be similar in size or complexity to any combination of the following project types:
  - A. Public Sector: City Hall, Recreation Facility, Aquatic Facility, Senior Center, Police Facility, Library, High School or Higher Education facility.
  - B. Private Sector: Community Center, Hotels, Aquatic Facility, Mixed Use Developments, High End Retail.
3. Of the (4) projects listed at least 1 of the projects must have an aquatic component similar to the project.
4. Site Improvements including wet and dry utilities, site landscape, parking, and site concrete.

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**General Contractor Experience Requirements: Reference 1**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

Union Labor % \_\_\_\_\_

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**General Contractor Experience Requirements: Reference 2**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

Union Labor % \_\_\_\_\_

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**General Contractor Experience Requirements: Reference 3**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

Union Labor % \_\_\_\_\_

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**General Contractor Experience Requirements: Reference 4**

Project Name: \_\_\_\_\_

Location: \_\_\_\_\_

Owner: \_\_\_\_\_

Owner Representative, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Architect or Engineer, address, email and phone number: \_\_\_\_\_

\_\_\_\_\_

Description of Project, Scope of Work Performed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Percentage of Base Contract subcontracted: \_\_\_\_\_

Total Value of Construction breakdown with initial contract award/final contract  
sum: \_\_\_\_\_

Original Scheduled Completion Date: \_\_\_\_\_

Initial Contract time in days: \_\_\_\_\_ Time Extensions granted in Days: \_\_\_\_\_

Days Liquidated damages assessed: \_\_\_\_\_

Actual Date of Completion: \_\_\_\_\_

LEED (Yes / No): \_\_\_\_\_

Union Labor % \_\_\_\_\_

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**PART IV    ORGANIZATIONAL RESOURCES**

Staff Roster/Functions

1. Contractor shall furnish an organization chart that includes all supervisory positions anticipated to be assigned to the Project. Indicate therein which ones are full time on site and which are part time.

List key members of your staff whom you consider candidates to be assigned to work as a full-time team member resident on this Project and complete all requested information as shown below.

Key, full-time candidate team members must include, without limitation:

1. Project Manager and 2. Superintendent. Use separate sheets of paper that contain all of the following information:

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Number of Years with Firm: \_\_\_\_\_

Proposed Function on the Project: \_\_\_\_\_

Number of Years in Current Position: \_\_\_\_\_

Number of Projects (in job function) Completed: \_\_\_\_\_

Number of Years in Construction Industry: \_\_\_\_\_

Minimum of two (2) projects, in a supervisory role, of similar type and scale as described in Section III: Similar Project Experience Questionnaire. On separate sheet provide project description, value, dates of construction, references and reference contact information for each project.

I, the undersigned, certify and declare that I have read all the foregoing answers to this pre-qualification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

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**A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS**

The scorable questions are in two sections as follows:

Part II – Section B History of the business and organizational performance;

Part II – Section C Compliance with occupational safety and health laws, workers' compensation and other labor legislation;

Note: This section includes only those questions that are “scorable” from the Part II Questionnaire. The following question numbers correspond to those used in the Part II.

**The Scores Needed for Pre-Qualification**

To pre-qualify, a contractor would be required to qualify under Part I, then have a passing grade within each of the two large categories in Part II referred to above.

Section B, “History of the business and organizational performance,”

The prospective contractor is required to meet a passing score of 51 on this portion of the questionnaire (of a maximum score of 68 on this portion of the questionnaire).

Section C, “Compliance with occupational safety and health laws, workers’ compensation and other labor legislation”

The prospective contractor is required to meet a passing score of 27 on this portion of the questionnaire (of a maximum score of 38 points on this portion of the questionnaire).

**Questions about History of the Business and Organizational Performance**

**Section B**

(14 questions)

5. How many years has your organization been in business in California as a contractor under your present business name and license number? \_\_\_\_\_ Years

**3 years or more = 2 points**

**4 years = 3 points**

**5 years = 4 points**

**6 years or more = 5 points**

6. Was your firm in bankruptcy at any time during the last ten (10) years?

☐ Yes      ☐ No

**“No” = 3 points      “Yes” = 0 points**

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11. Has any CSLB license held by your firm or its Responsible Managing Employee (“RME”) or Responsible Managing Officer (“RMO”) been suspended within the last ten (10) years?

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = 0 points**

12. At any time in the last ten (10) years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes      ☐ No

**No projects with liquidated damages of more than \$10,000, or one (1) project with liquidated damages = 5 points**

**Two (2) projects with liquidated damages of more than \$10,000 = 3 points**

**Any other answer: 0 points**

13. In the last ten (10) years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

**NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.**

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = 0 points**

\* \* \* \* \*

**NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$10,000.**

14. In the past ten (10) years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?

☐ Yes      ☐ No

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***If the firm's average gross revenue for the last three (3) years was less than \$50 million, scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1 such instance***

***3 points for "Yes" indicating 2 such instances***

***0 points for "Yes" if more than 2 such instances***

***If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances***

***3 points for "Yes" indicating either 4 or 5 such instances***

***0 points for "Yes" if more than 5 such instances***

15. In the past ten (10) years has your firm made any claim against a project owner concerning work on a project or payment for a contract and **filed that claim in court or arbitration?**

☐ Yes      ☐ No

***If your firm's average gross revenue for the last three (3) years was less than \$50 million scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1 such instance***

***3 points for "Yes" indicating 2 such instances***

***0 points for "Yes" if more than 2 such instances***

***If your firm's average gross revenue for the last three years was more than \$50 million scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances***

***3 points for "Yes" indicating either 4 or 5 such instances***

***0 points for "Yes" if more than 5 such instances***

16. At any time during the past ten (10) years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf, in connection with a construction project, either public or private?

☐ Yes      ☐ No

***5 points for either "No" or "Yes" indicating 1 such claim***

***3 points for "Yes" indicating no more than 2 such claims***

***Subtract 5 points for "Yes" if more than 2 such claims***

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17. In the last ten (10) years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

☐ Yes      ☐ No

**5 points for either “No” or “Yes” indicating 1 such instance**

**3 points for “Yes” indicating 2 such instances**

**0 points for “Yes” or if more than 2 such instances**

18. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = subtract 5 points**

19. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = subtract 5 points**

20. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = subtract 5 points**

22. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last five (5) years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

\_\_\_\_\_ %

**5 points if the rate is no more than one per cent**

**3 points if the rate was no higher than 1.10 per cent**

**0 points for any other answer**

24. During the last ten (10) years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes      ☐ No

**“No” = 5 points      “Yes” = 0 points**

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**Questions about compliance with safety, workers compensation,  
prevailing wage and apprenticeship laws.**

**Section C**

(8 questions)

25. Has CAL OSHA cited and assessed penalties against your firm for any “serious,” “willful” or “repeat” violations of its safety or health regulations in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.**

☐ Yes      ☐ No

***If the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:***

***5 points for either “No” or “Yes” indicating 1 such instance***

***3 points for “Yes” indicating 2 such instances***

***0 points for “Yes” if more than 2 such instances***

***If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:***

***5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances***

***3 points for “Yes” indicating either 4 or 5 such instances***

***0 points for “Yes” if more than 5 such instances***

26. Has the Federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

☐ Yes      ☐ No

***If the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:***

***5 points for either “No” or “Yes” indicating 1 such instance***

***3 points for “Yes” indicating 2 such instances***

***0 points for “Yes” or if more than 2 such instances***

***If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:***

***5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances***

***3 points for “Yes” indicating either 4 or 5 such instances***

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***0 points for "Yes" if more than 5 such instances***

27. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past ten (10) years?

**NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.**

☐ Yes      ☐ No

***If the firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1 such instance***

***3 points for "Yes" indicating 2 such instances***

***0 points for "Yes" or if more than 2 such instances***

***If the firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:***

***5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances***

***3 points for "Yes" indicating either 4 or 5 such instances***

***0 points for "Yes" if more than 5 such instances***

28. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

\_\_\_\_\_

***3 points for an answer of once each week or more often***

***0 points for any other answer***

29. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:  
**NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.**

Current year: \_\_\_\_\_

Previous year: \_\_\_\_\_

Year prior to previous year: \_\_\_\_\_

**NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.**

***5 points for three-year average EMR of .95 or less***

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**3 points for three-year average of EMR of more than .95 but no more than 1.00  
0 points for any other EMR**

30. Within the last ten (10) years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?  
☐ Yes      ☐ No

**5 points for either "No" or "Yes" indicating 1 such instance**

**0 points for any other answer**

31. Has there been any occasion during the last ten (10) years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the **State's** prevailing wage laws?  
☐ Yes      ☐ No

**If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:**

**5 points for either "No," or "Yes" indicating either 1 or 2 such instance**

**3 points for "Yes" indicating 3 such instances**

**0 points for "Yes" and more than 3 such instances**

**If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:**

**5 points for either "No" or "Yes" indicating no more than 4 such instances**

**3 points for "Yes" indicating either 5 or 6 such instances**

**0 points for "Yes" and more than 6 such instances**

32. During the last ten (10) years, has there been any occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **Federal** Davis-Bacon prevailing wage requirements?  
☐ Yes      ☐ No

**If your firm's average gross revenue for the last three years was less than \$50 million, scoring is as follows:**

**5 points for either "No," or "Yes" indicating either 1 or 2 such instance**

**3 points for "Yes" indicating 3 such instances**

**0 points for "Yes" and more than 3 such instances**

**If your firm's average gross revenue for the last three years was more than \$50 million, scoring is as follows:**

**5 points for either "No" or "Yes" indicating no more than 4 such instances**

**3 points for "Yes" indicating either 5 or 6 such instances**

**0 points for "Yes" and more than 6 such instances**

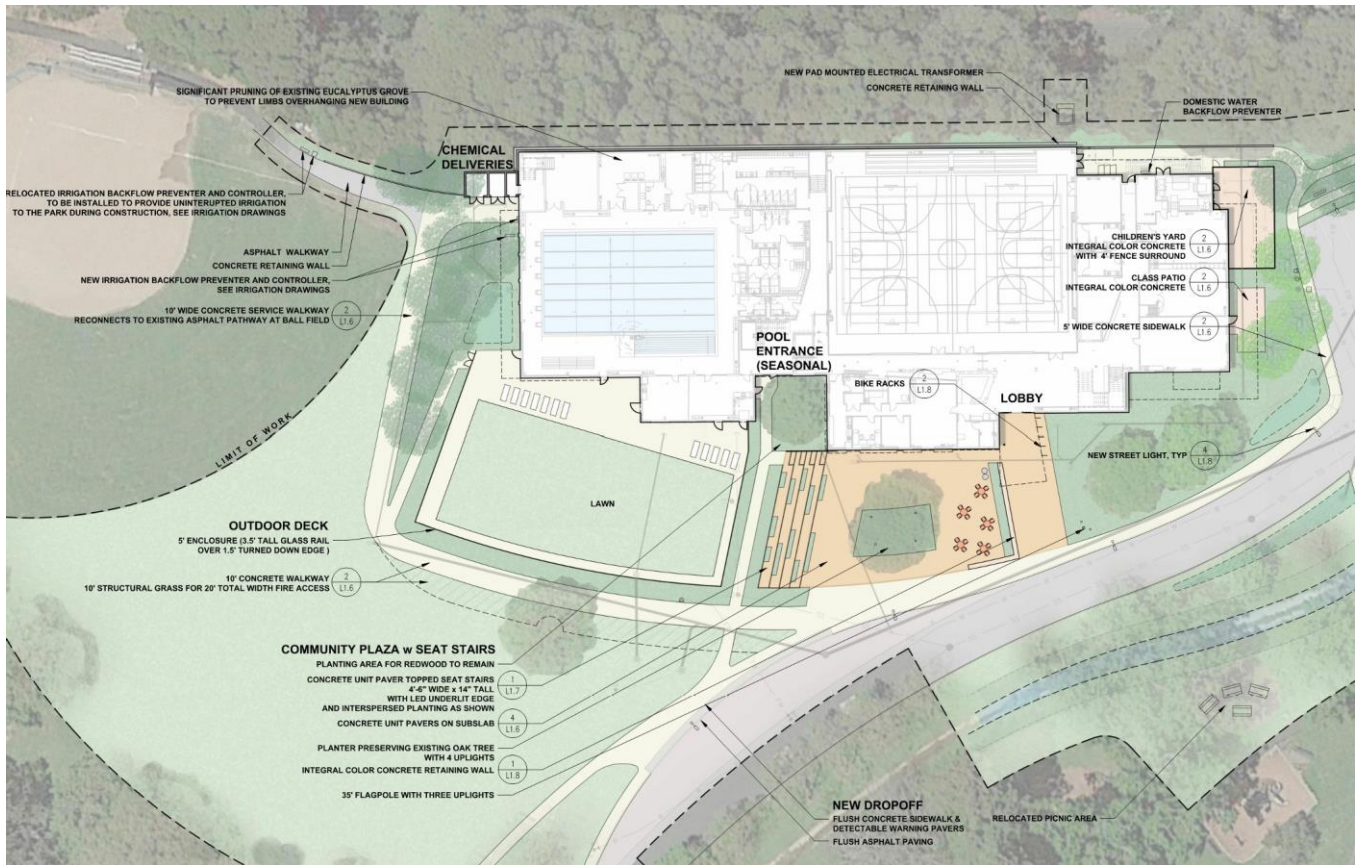
**ATTACHMENT A**

**PROJECT RENDERINGS**

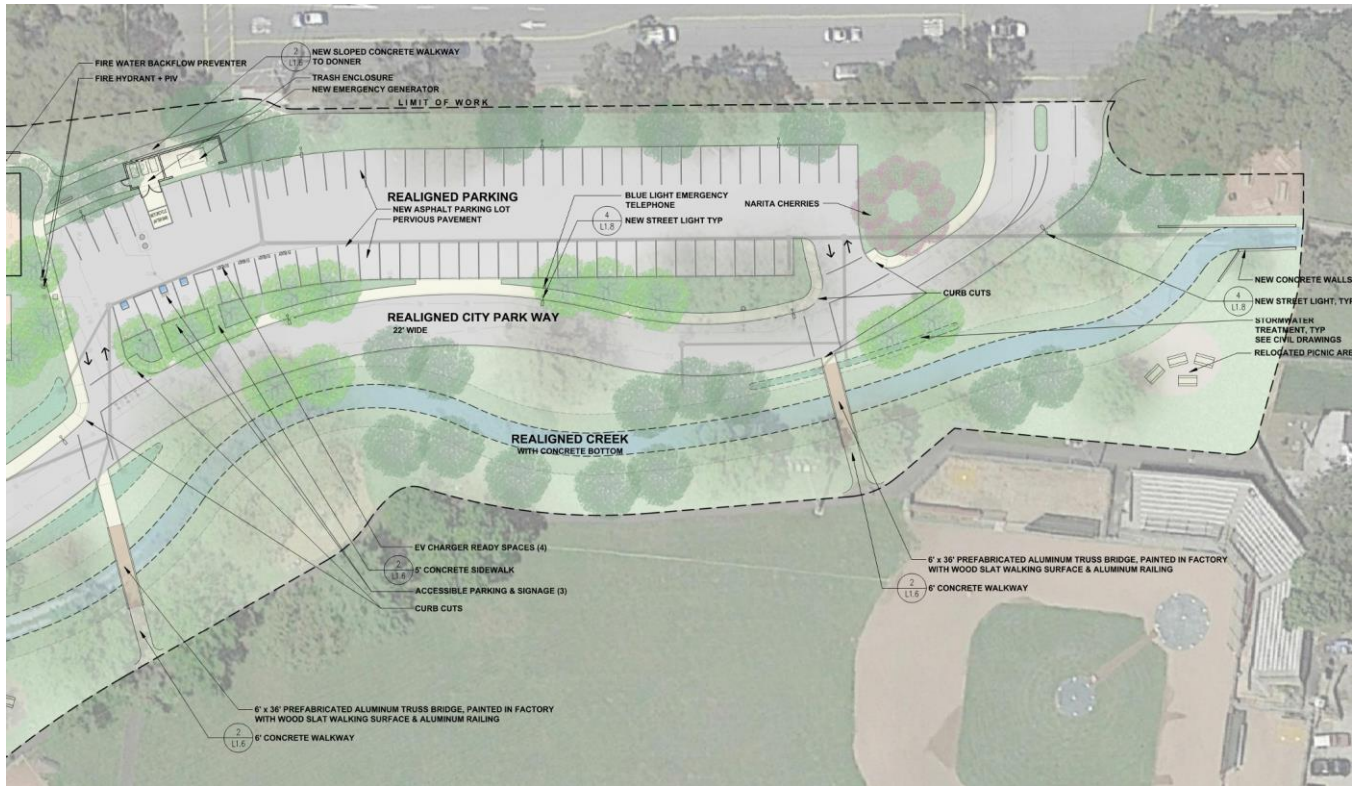
# CITY OF SAN BRUNO

## SAN BRUNO RECREATION AND AQUATIC CENTER

### PRE-QUALIFICATION OF GENERAL CONTRACTORS



# CITY OF SAN BRUNO SAN BRUNO RECREATION AND AQUATIC CENTER PRE-QUALIFICATION OF GENERAL CONTRACTORS



## **ATTACHMENT B**

### City of San Bruno Insurance Requirements

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**4.1 Insurance Requirements**

4.1A At or before the date specified in Document 00 21 00 (Instructions to Bidders), Contractor shall furnish to City satisfactory proof that Contractor has taken out for the entire period covered by the Contract the following classes of insurance in the form and with limits and deductibles specified below:

1. Comprehensive General Liability Insurance covering claims for personal injury, bodily injury and property damage arising out of the Work and in a form providing coverage not less than that of a Standard Commercial General Liability Insurance policy ("Occurrence Form"). Such insurance shall provide for all operations and include independent contractors, products liability, completed operations for one year after Final Completion and acceptance of the final payment for the Work, contractual liability, and coverage for explosion, collapse, and underground hazards. The limits of such insurance shall not be coverage of less than \$1,000,000 each occurrence, \$2,000,000 general aggregate limit, and \$2,000,000 combined aggregate for products and completed operations. The policies shall be endorsed to provide Broad Form Property Damage Coverage
2. Comprehensive Automobile Liability Insurance covering all owned, non-owned, and hired vehicles. Such insurance shall provide coverage not less than the standard Comprehensive Automobile Liability policy with limits not less than \$1,000,000 each person Bodily Injury, \$1,000,000 each occurrence Bodily Injury, and \$1,000,000 each occurrence Property Damage.
3. All-Risk Course of Construction Insurance including damage to property owned by City, Contractor or third parties caused by fire. Insurance shall be in the amount of 100 percent of the completed value of the Work to be performed under this Contract. Deductible shall not exceed \$10,000. Each loss shall be borne by Contractor.
4. Workers' Compensation Insurance for all persons whom the Contractor may employ in carrying out Work contemplated under Contract Documents, in accordance with the Act of Legislature of State of California, known as "Workers' Compensation Insurance and Safety Act," approved May 26, 1913, and all acts amendatory or supplemental thereto, in the statutory amount.

4.1.B All policies of insurance shall be placed with insurers acceptable to City. The insurance underwriter(s) for all insurance policies except Workers' Compensation shall have an A. M. Best Company rating of A-, VIII or better. Required minimum amounts of insurance may be increased should conditions of Work, in opinion of City, warrant such increase. Contractor shall increase required insurance amounts upon direction by City.

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- 4.1.C Required Endorsements: The policies required under paragraphs 4.1.A.1 and 4.1.A.2 of this Document shall be endorsed as follows:
1. Name City, its City Council, and their employees, representatives, consultants, and agents, and Project Manager as additional insureds, but only with respect to liability arising out of the activities of the named insured.
  2. Each such policy shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limit of the insurance company's liability required under paragraphs 4.1.A.1 and 4.1.A.2 of this Document.
  3. Insurance shall be primary to City and no other insurance or self-insured retention carried or held by City shall be called upon to contribute to a loss covered by insurance for the named insured.
- 4.1.D Certificates of insurance and endorsements shall have clearly typed thereon City Contract Number and title of Contract Documents. Written notice of cancellation, non-renewal, or reduction in coverage of any policy shall be mailed to City (Attention: Contract Administration/Inspection) at the address listed in Document 00 52 00 (Contract Agreement), 60 Days in advance of the effective date of the cancellation, non-renewal, or reduction in coverage. Written notice of cancellation for non-payment shall be mailed within 10 Days of cancellation. Contractor shall maintain insurance in full force and effect during entire period of performance of Contract Documents. Contractor shall keep insurance in force during warranty and guarantee periods, except that Contractor may discontinue All-Risk Course of Construction Insurance after Final Payment. At time of making application for extension of time, and during all periods exceeding the Contract Time resulting from any cause, Contractor shall submit evidence that insurance policies will be in effect during requested additional period of time. Upon City's request, Contractor shall submit to City, within 30 Days, copies of the actual insurance policies or renewals or replacements.
- 4.1.E Contractor shall pay all insurance premiums, including any charges for required waivers of subrogation or the endorsement of additional insureds. If Contractor fails to maintain insurance, City may take out comparable insurance, and deduct and retain amount of premium from any sums due Contractor under Contract Documents.
- 4.1.F If injury occurs to any employee of Contractor, Subcontractor or sub-subcontractor for which the employee, or the employee's dependents in the event of employee's death, is entitled to compensation from City under provisions of the Workers' Compensation Insurance and Safety Act, as amended, or for which compensation is claimed from City, City may retain out of sums due Contractor under Contract Documents, amount sufficient to cover such compensation, as fixed by the Act, as amended, until such compensation is paid, or until it is determined that no compensation is due. If City is compelled to pay compensation, City may, in its discretion, either deduct and retain from the Contract Sum the amount so paid, or require

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Contractor to reimburse City.

- 4.1.G Nothing in paragraph 4.2 of this Document shall be construed as limiting in any way the extent to which Contractor or any Subcontractor may be held responsible for payment of damages resulting from their operations.
- 4.1.H All Subcontractors shall maintain the same insurance required to be maintained by Contractor with respect to their portions of the Work, and Contractor shall cause the Subcontractors to furnish proof thereof to City within ten Days of City's request.
- 4.1.I The following provisions apply to any licensed professional engaged by Contractor to perform portions of the Work ("Professional").

Each Professional shall maintain the following insurance:

- 1. Professional Liability Insurance, insuring against professional errors and omissions arising from Professional's Work on the Project, in an amount not less than \$1,000,000 combined single limit for each occurrence. If Professional cannot provide an occurrence policy, Professional shall provide insurance covering claims made as a result of performance of Work on this Project and shall maintain such insurance in effect for not less than two years following Final Completion of the Project.
- 2. All insurance required by paragraphs 4.1.A.1, 4.1.A.2, and 4.1.A.4 of Document 00 72 00. Professional shall satisfy all other provisions of paragraph 4.1 of this Document relating to that insurance, including without limitation providing required insurance certificates (containing the required endorsements) before commencing its Work on the Project.

## **ATTACHMENT C**

### **City of San Bruno Sample Agreement**

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**SAMPLE CONTRACT**

**AGREEMENT**

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PROJECT TITLE

THIS AGREEMENT was executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
by and between **[Name of Contractor]** whose place of business is located at **[Address of Contractor]** ("Contractor"), and the CITY OF SAN BRUNO ("City"), acting under and by virtue of the authority vested in the City by the laws of the State of California.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, Contractor and City agree as follows:

**Article 1. Work**

- 1.1 Contractor shall complete all Work specified in the Contract Documents, in accordance with the Plans, Specifications, and all other terms and conditions of the Contract Documents.

**Article 2. Architect/Engineer and Project Manager**

- 2.1 The City Engineer and its authorized vendor designed the Project and furnished the Plans and Specifications. The City Engineer shall have the rights assigned to Architect/Engineer in the Contract Documents.
- 2.2 City has designated the Griffin Structures as its Project Manager to act as City's point of contact relating to the Contract Documents and to determine whether the work performed is in accordance with the Contract Documents.
- 2.3 The City may assign all or part of the Project Manager's rights, responsibilities and duties to a Project or Construction Manager.

**Article 3. Contract Time and Liquidated Damages**

3.1 Contract Time

Contractor shall commence work on the date established in the Notice to Proceed. City reserves the right to modify or alter the commencement date of the Work.

Contractor shall achieve Substantial Completion of the entire Work within

\_\_\_\_ **[Specify Calendar Days or Working Days]** from the date when the contract time commences to run as provided in Document 00 72 00 (General Conditions). Contractor shall achieve Final Completion of the entire Work and be ready for Final Payment in accordance with Section 01 77 00 (Closeout Procedures) 20 Working Days from the date when Substantial Completion was established.

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**3.2    Liquidated Damages**

City and Contractor recognize that time is of the essence of this Agreement and that City will suffer financial loss in the form of Contract administration expenses (such as project management and consultant expenses), if all or any part of the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the Contract Documents. Contractor and City agree that because of the nature of the Project, it would be impractical or extremely difficult to fix the amount of actual damages incurred by City because of a delay in completion of all or any part of the Work. Accordingly, City and Contractor agree that as liquidated damages for delay Contractor shall pay City:

3.2.1    \_\_\_\_\_ dollars (\$ \_\_\_\_\_) for each Day that expires after the time specified herein for Contractor to achieve Substantial Completion of the entire Work, until achieved.

3.2.2    \_\_\_\_\_ dollars (\$ \_\_\_\_\_) for each Day that expires after the time specified herein for Contractor to achieve Final Completion of the entire Work, until achieved.

These measures of liquidated damages shall apply cumulatively and except as provided below, shall be presumed to be the damages suffered by City resulting from delay in completion of the Work.

3.3    Liquidated damages for delay shall only cover administrative, overhead, interest on bonds, and general loss of public use damages suffered by City as a result of delay. Liquidated damages shall not cover the cost of completion of the Work, damages resulting from defective work, lost revenues or costs of substitute facilities, or damages suffered by others who then seek to recover their damages from City (for example, delay claims of other contractors, subcontractors, tenants, or other third-parties), and defense costs thereof.

3.4    It is further agreed that prior to issuance of a Notice of Completion under the terms of this Contract, and as a condition precedent to the City's obligation for the issuance of the Notice of Completion and Final Payment, the Contractor shall submit to the City a "Maintenance and Warranty Bond" to be valued at ten percent (10%) of the final contract amount. Such Bond shall be in force and valid for a period of one (1) year unless extended.

**Article 4. Contract Sum**

**4.1    City shall pay Contractor the Contract Sum of \_\_\_\_\_**

**Dollars (\$ \_\_\_\_\_) for completion of Work in accordance with Contract Documents as set forth in Contractor's Bid, attached hereto.**

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**Article 5. Contractor's Representations**

In order to induce City to enter into this Agreement, Contractor makes the following representations and warranties:

- 5.1 Contractor has visited the Site and has examined thoroughly and understood the nature and extent of the Contract Documents, Work, Site, locality, actual conditions, as-built conditions, and all local conditions, and federal, state and local laws and regulations that in any manner may affect cost, progress, performance or furnishing of Work or which relate to any aspect of the means, methods, techniques, sequences or procedures of construction to be employed by Contractor and safety precautions and programs incident thereto.
- 5.2 Contractor has examined thoroughly and understood all reports of exploration and tests of subsurface conditions, as-built drawings, drawings, products specifications or reports, available for Bidding purposes, of physical conditions, including Underground Facilities, which have been made available for Bidders or which may appear in the Drawings. Contractor accepts the determination set forth in these Documents and Document 00 72 00 of the limited extent of the information contained in such materials upon which Contractor may be entitled to rely. Contractor agrees that except for the information so identified, Contractor does not and shall not rely on any other information contained in such reports and drawings.
- 5.3 Contractor has conducted or obtained and has understood all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in Section 5.2 of this Agreement) that pertain to the subsurface conditions, as-built conditions, Underground Facilities and all other physical conditions at or contiguous to the Site or otherwise that may affect the cost, progress, performance or furnishing of Work, as Contractor considers necessary for the performance or furnishing of Work at the Contract Sum, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of Document 00 72 00; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.
- 5.4 Contractor has correlated its knowledge and the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

**Article 6. Contract Documents**

- 6.1 Contract Documents consist of the Project Manual and include the following documents, and all changes, Addenda, and Modifications thereto:

Document 00 10 00      Notice Inviting Bids

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Document 00 21 00	Instructions to Bidders
Document 00 24 13	Scopes of Bids
Document 00 41 00	Bid Proposal
Document 00 41 70	Addenda Acknowledgement
Document 00 51 00	Notice of Award
Document 00 52 00	Contract Agreement
Document 00 61 13.13	Construction Performance Bond
Document 00 61 13.16	Construction Labor and Material Payment Bond
Document 00 72 00	General Conditions
Document 00 73 00	Special Conditions

General Requirements  
Technical Specifications  
Drawings

Sheet 1 thru \_\_\_\_

- 6.2 The Contract Documents may only be amended, modified or supplemented as provided in Document 00 72 00.

**Article 7. Miscellaneous**

- 7.1 Terms and abbreviations used in this Agreement are defined in Document 00 72 00 and Section 01 42 16 (Definitions) and will have the meaning indicated therein.
- 7.2 It is understood and agreed that in no instance are the persons signing this Agreement for or on behalf of City or acting as an employee, agent, or representative of City, liable on this Agreement or any of the Contract Documents, or upon any warranty of authority, or otherwise, and it is further understood and agreed that liability of the City is limited and confined to such liability as authorized or imposed by the Contract Documents or applicable law.
- 7.3 Contractor shall not assign any portion of the Contract Documents without the City's prior approval. Any assignment of any portion of the Contract Documents without the City's prior written approval shall be deemed null and void. Contractor may subcontract portions of the Contract Documents only in compliance with the Subcontractor Listing Law, California Public Contract Code Section 4100, *et seq.*
- 7.4 The Contract Sum includes all allowances (if any).
- 7.5 In entering into a public works contract or a subcontract to supply goods, services or materials pursuant to a public works contract, Contractor or Subcontractor offers and agrees to assign to the awarding body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. §15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, services or materials pursuant to the public works contract or the subcontract. This assignment shall be made and become effective at the time City tenders final payment to Contractor, without further acknowledgment by the parties.

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- 7.6 Copies of the general prevailing rates of per diem wages for each craft, classification, or type of worker needed to execute the Contract, as determined by Director of the State of California Department of Industrial Relations, are deemed included in the Contract Documents and on file at City's Office, and shall be made available to any interested party on request. Pursuant to California Labor Code Section 1861, Contractor represents that it is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor shall comply with such provisions before commencing the performance of the Work of the Contract Documents.
- 7.7 Should any part, term or provision of this Agreement or any of the Contract Documents, or any document required herein or therein to be executed or delivered, be declared invalid, void or unenforceable, all remaining parts, terms and provisions shall remain in full force and effect and shall in no way be invalidated, impaired or affected thereby. If the provisions of any law causing such invalidity, illegality or unenforceability may be waived, they are hereby waived to the end that this Agreement and the Contract Documents may be deemed valid and binding agreements, enforceable in accordance with their terms to the greatest extent permitted by applicable law. In the event any provision not otherwise included in the Contract Documents is required to be included by any applicable law, that provision is deemed included herein by this reference (or, if such provision is required to be included in any particular portion of the Contract Documents, that provision is deemed included in that portion).
- 7.8 This Agreement and the Contract Documents shall be deemed to have been entered into in the City of San Bruno, State of California, and governed in all respects by California law (excluding choice of law rules). The exclusive venue for all disputes or litigation hereunder shall be in San Mateo County Superior Court. Contractor accepts the terms of Document 00 72 00, Article 12, as a claims procedure by agreement under the California Government Code, Title 1, Division 3.6, Part 3, Chapter 5.

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IN WITNESS WHEREOF the parties have executed this Agreement in duplicate the day and year first above written.

**CONTRACTOR: [CONTRACTOR'S NAME]**

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Title (If corporation: Chairman,  
President, or Vice President)

By: \_\_\_\_\_

Its: \_\_\_\_\_  
Title (If corporation: Secretary, Chief  
Financial Officer or Assistant Treasurer)

**CITY OF SAN BRUNO**

By: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_  
(Council Action dated \_\_\_\_\_)

Attest: \_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
City Attorney

Attachments: